

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DERRICK HARGRESS,) CASE NO. C05-1338-RSL-MAT
)
Petitioner,)
)
v.) ORDER DENYING PETITIONER'S
) MOTION FOR EVIDENTIARY
UNITED STATES OF AMERICA,) HEARING
)
)
Respondent.)
_____)

Petitioner has recently filed a motion for an evidentiary hearing (Doc. #14) in support of his petition for habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner cites Local Rule CR 7(b) as the basis for his motion. (*Id.* at 1). In his motion, petitioner alleges, among other things, that he has been in custody for four months pending a parole revocation hearing, and that this delay has been “very prejudicial.” (*Id.*) Respondent has not filed a response to the motion. The court, having considered petitioner’s motion, and the balance of the record, does hereby find and
ORDER:

(1) The Local Rule cited by petitioner does not provide for an evidentiary hearing, but rather for an oral argument if the court deems it necessary to deciding a motion. *See* Local Rule

01 CR 7(b)(4). Therefore, petitioner's motion is construed as a request for oral argument on his
02 underlying § 2241 petition, and so construed, the motion is DENIED. If the court later determines
03 that oral argument is necessary, the court will notify the parties.

04 (2) Petitioner's motion also contains legal argument in support of his § 2241 petition.
05 Respondent is directed to address these arguments when it files its answer on or before November
06 28, 2005. (Doc. #13).

07 (3) The Clerk shall direct a copy of this Order to petitioner, to counsel for respondent,
08 and to the Honorable Robert S. Lasnik.

09 DATED this 7th day of November, 2005.

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12 Mary Alice Theiler
13 United States Magistrate Judge
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